FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.544 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.V.Shirsat and M.P. Dalvi for the petitioner.

Mr.A.S. Shitile, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 16/3/2006.

P.C.

1. This writ petition impugns a show cause notice under Section 59 of the Bombay Policed Act,1951. On perusal of the notice, it indicates that the applicant is involved in offence under Section 307, 323 and 506 of the I.P.C. registered by Malbhar Hill Police Station. There is also reference of in camera statements. It is sought to be argued that the applicant is in custody and externment proceedings cannot be initiated against him and that the initiation of externment proceedings on the basis of the single offence and that too without mentioning that the

applicant is in custody is bad in law. All these points can be raised by way of reply. The applicant further states that he has not given sufficient opportunity to file reply and examine his witnesses. The A.P.P. states that the matter is kept today before the DCP Zone II in his office at Nagapada Police Station at 4.00p.m. He states that eight days time will be given for filing reply to the show cause notice and for producing evidence, if any, in favour of his defence. The exact date will be communicated if somebody remains present on behalf of the applicant in the office of DCP today. In the circumstances, I am not inclined to entertain this petition. Statement of the A.P.P. is accepted. Sufficient opportunity be given to the applicant to furnish his reply and produce his evidence. With the above directions, petition is disposed off.

2. Parties to act on the copy of this order duly authenticated by the

registry of this court.

(R.S. MOHITE, J.)